



## **DEPARTMENT OF HOMELAND SECURITY**

**U.S. Immigration and Customs Enforcement, Department of Homeland Security.**

**[OMB Control Number 1653-0041]**

**Agency Information Revision of a Currently Approved Collection: Designation of Attorney in Fact / Revocation of Designation of Attorney in Fact**

**AGENCY:** U.S. Immigration and Customs Enforcement, Department of Homeland Security.

**ACTION:** 30-Day notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA) of 1995 the Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (ICE) will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance. This information collection was previously published in the **Federal Register** on February 15, 2022, allowing for a 60-day comment period. ICE received no comments in connection with the 60-day notice. The purpose of this notice is to allow an additional 30 days for public comments.

**DATES:** Comments are encouraged and will be accepted until **[INSERT DATE 30 DAYS FROM AFTER DATE OF THE PUBLICATION IN THE *FEDERAL REGISTER*]**.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of the publication of this notice to [www.reginfo.gov/public/do/PRAMain](https://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review – Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:**

If you have questions related to this collection, call, or email John Monette, Revenue Management Branch, (802) 288-7697, [john.p.monette@ice.dhs.gov](mailto:john.p.monette@ice.dhs.gov) (This is not a toll-free number. Comments are not accepted via telephone message).

## **SUPPLEMENTARY INFORMATION:**

### **Comments**

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

- (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and
- (4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

### **Overview of This Information Collection**

- (1) *Type of Information Collection:* Revision of a Currently Approved Collection.
- (2) *Title of the Form/Collection:* Designation of Attorney in Fact / Revocation of Attorney in Fact.
- (3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I-312 / I-312A; U.S. Immigration and Customs Enforcement.

*(4) Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. Section § 103.6, the Immigration and Nationality Act (INA), provides for the posting of surety or cash bonds. All bonds posted in immigration cases shall be executed on Form I-352, Immigration Bond, and secured with some form of collateral by an Obligor. In the case of a cash bond, the Obligor will deposit with U.S. Immigration and Customs Enforcement (ICE) the face value of the bond. The Obligor can designate a third party as an Attorney in Fact to accept on their behalf the return of the collateral security deposited to secure the surety bond upon cancellation of the bond or performance of the Obligor. The Form I- 312, Designation of Attorney in Fact, is the instrument used by the Obligor to officially designate their Attorney in Fact. Upon receipt of a properly executed Form I- 312, ICE Financial Operations will remit to the Attorney in Fact the principal and interest on the security deposit in the event of a bond cancellation, or the interest on the security deposit in the event of a bond breach. Immigration bonds might remain in place for years, and Obligors might choose to appoint a new Attorney in Fact as circumstances change. To ensure that ICE Financial Operations properly executes its fiduciary duties to the Obligor under the Form I-352 bond contract, and exercises due diligence in ensuring that remittances are made to the proper person, ICE uses Form I- 312A as the document by which the Obligor could expressly indicate that a previously valid Form I-312 Attorney in Fact designation had been revoked. The requested revisions are specific to the instructions concerning obligor requirements and the attorney's authority to perform acts necessary to receive proceeds of the bond. There are revisions to the I-312 instructions. The revisions relate to the obligor requirements and to the attorney's authority to perform acts necessary to received bond proceeds.

*(5) An estimate of the total number of respondents and the time to respond:* ICE estimates a total of 193 responses at 1 hour (60 minutes) per response

*(6) An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden is 193 hours.

*(7) An estimate of the total public burden (in cost) associated with the collections:* \$6,370.

Dated: April 19, 2022.

**Scott Elmore,**

ICE PRA Clearance Officer.

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